

SAME OLD MUDDLE

Transition Period Status Again In Court.

(From Saturday's daily)

Another transition period muddle which makes all others sink into insignificance was opened yesterday in the Supreme Court, by the filing of a motion in the case of Geo. U. Hind et al. vs. Wilder's Steamship Co., which attacks the legality of the appointment of the Judges who heard the matter, prior to the passage of the Organic Act. Carried still further, the motion to vacate the decree in the above case, of which the United States Supreme Court refused to take jurisdiction, questions the legality of the acts of Sanford B. Dole, acting as President of the Hawaiian Republic up to the formal annexation, June 14, 1900.

The motion is to have set aside the judgment for \$55,000 obtained against the Wilder Steamship Co., for the sinking of the William Carson by collision with the steamship Claudine.

In the motion Kinney, Ballou & McClanahan allege that on February 5, 1900, Hon. W. L. Stanley, under a pretended authority, as second Judge, issued a process against defendant; that on February 12, 1900, Judge Perry, under assumed authority overruled a demurrer and on March 28, denied a continuance.

On April 23, 1900, Hon. R. D. Silliman "under a pretended authority," on May heard the case, rendering a decision "under a pretended authority," on May 1, 1900, and on May 7, 1900, Hon. Geo. A. Davis, under a pretended authority, signed a decree in the case, giving judgment for \$55,000. Nov. 7, 1900, the Supreme Court passed upon the case, finally. Reference is made to the appointment of A. Perry and W. L. Stanley as Judges by President Dole on November 1, 1897. The motion then alleges "That on the 7th day of May, 1900, the Honorable Sanford B. Dole, former President of the Republic of Hawaii, assumed to appoint the Hon. Geo. A. Davis, first Judge of the said Circuit Court of the then unorganized Territory of Hawaii, although the said Honorable A. Perry assumed to be at such time the duly appointed Judge, and the said Davis assumed to qualify and act as such first Judge until the 14th day of June, 1900."

The same reference is made to the appointment of Judge Silliman in place of Judge Stanley.

Petitioner contends: That on the 5th day of February, 1900, the Circuit Court of Hawaii had no admiralty jurisdiction.

That under the law as it existed on May 7th, 1900, the Supreme Court of Hawaii had no appellate admiralty jurisdiction.

That at such time neither Hon. A. Perry nor Hon. W. L. Stanley were vested with jurisdiction of the subject matter.

The same references are made as to the jurisdiction of George A. Davis and R. D. Silliman.

It is alleged further that the decree appealed from is void as not having been signed by the Judge who heard the said cause. That the final decree of the Supreme Court is null and void.

Wherefore petitioner prays that said decree be set aside.

APPEAL CASES.

Appeals have been taken to the Circuit Court in the following cases:

Jno. Kamaka, fined \$50 for alleged illegal liquor selling; J. M. Koolaha, A. Perry and Dan McKenzie, each fined \$100 for the same offense.

John Silva, Frank Silva, A. Pestino and Joaquin Medeiros, assault and battery, sentenced to ten days each by Judge Wilcox.

Manuel Gouveia, sentenced to reform school for one year for larceny.

Shamagui, fined \$25 for headless driving.

Kolikoli, sentenced to two months at hard labor for assault and battery.

AN OLD ESTATE.

Lyle A. Dickey has filed a report as master on the accounts of Antonio Rosa guardian of the estate of James Heare Jr. The master disallows a total of \$239.17, which he holds guardian responsible for, consisting of penalties paid on water charges, charges for board and various minor items. The master says that the guardian should have had on hand, due the ward, at least \$302.95, upon which amount he recommends that interest be charged at 6 per cent from Nov. 1892, to March 15, 1898, and up to the present time at 6 per cent. Master further reports that guardian should be charged with \$102.01. Rosa is dead, and the report is filed for him by John F. Colburn executor of his estate.

COURT HEARINGS.

Judge Humphreys will hear civil cases on Tuesday in the order that they appear on the calendar. Judge Gear will hear the criminal calendar.

WANTS TO SEE CHILDREN.

C. A. Brown has filed a petition asking for the temporary custody of his two minor children, who are staying with his divorced wife, Mrs. Iron H. Holloway. He alleges that the mother has refused his request to see the said children. In the correspondence set out the children state that they do not wish to visit their father. Judge Humphreys has issued an order to Mrs. Holloway to appear Feb. 15th, and show cause why the previous order of the court has not been complied with.

CIRCUIT COURT NOTES.

Judge Gear yesterday ordered defendant in the divorce libel of Eva B. Pall vs. Frank S. Pall to pay his wife \$25 a month as temporary alimony. Motion for attorney's fee was overruled.

An amended complaint has been filed in the case of Frank Godfrey vs. John Kidwell.

The relatives of Chas. A. Pai, the Chinese boy who was killed by electricity in McInerney's store in December, are preparing to institute a suit for damages. Gill & Farley are preparing the papers in the case, and as soon as the necessary proof arrives from the parents of deceased in China, they will begin action in court.

Mrs. Sophia Pratt has been appointed executrix of the estate of James Hyde Pratt, without bond.

W. L. LOUISON ARGUES FOR PROTECTIVE DUTY ON COFFEE

Editor Advertiser: It is the desire of citizens of Hawaii to see a languishing industry develop with renewed life and vigor on a large scale, which in the course of years would rank in importance with the sugar industry, and be the means of building up a new era of development and prosperity for Hawaii, then let us prepare the way to make a congressional fight for a protective tariff on this product. Let us join hands with Porto Rico and stir them to activity from the fray. This Territory (Porto Rico) is receding in this industry, through the uneven competition of Brazil, and is alive to the need of legislative aid to keep it from sinking.

The legislative aid in the way of a protective tariff would be in favor of Hawaii, Porto Rico and the Philippine Islands.

This measure, if accomplished, would be the easiest way for the United States to solve the question of prosperity for her insular possessions, and would without doubt, create a feeling of happiness and contentment of belonging and being a part of the United States.

We can now make the claim with justice that as the United States now possesses coffee producing territory, this product needs protection as much as any other that she raises.

The wonderful and prosperous growth attained in industrial development by the United States has been based upon the sound, cardinal principle of protection.

The coffee industry has much to say in its favor which cannot be said of sugar raising. It is first of all a man's industry, of small and large means, and being cultivated in the elevated regions of warm latitudes, necessitating in its culture the association of wind breaks and other trees in its cultivation, presents a field of labor in which a white population can work in comfort, including women and children.

It is also a product that will tend to diversify our agricultural productions more than any other, from the mere fact that fruit bearing trees can be used in planting for shade, and other

C. R. Hemmaway has been appointed administrator of the estate of the late H. C. Hart.

An inventory of the estate of Annie Makani has been filed showing property worth \$52.

Miss Beard has been appointed guardian of the minor children of John Marques Ferreira. Both parents, though disagreeing as to everything else, agreed to the guardianship.

Judge Gear took under advisement the motion to pay partners a portion of \$1200 held by defendant in the case of Lee Bat Sie vs. Wo Hing Chong. Defendant claimed that the money should be paid to the creditors first and he wanted a ruling of the court so he could not be held twice.

ROWING MEN ARE WAKING UP

The shell of the Myrtle Boat Club, ordered from Davy, of Cambridge, has been finished and will shortly be shipped to Honolulu. The shell cost \$250, and ten oars \$100. The latter were made by Donohue, and are facsimiles of those used by Harvard.

The shell is 43 feet long, and weighs a little over 200 pounds. The Hawaiian-American line will ship the shell provided they can get it here in time for the races in July. If not, it will be sent to San Francisco.

The Myrtle boathouse was moved to its new location on Saturday morning.

It is now situated makai of the Quarantine wharf.

The rebuilt lap-streak shell of the Healan Boat Club was placed in the water yesterday. It now weighs but 150 pounds, and has been stiffened considerably. The positions in the boat have been made to correspond as nearly as possible with those of the club's new shell.

The first yacht race for the Port Captain's cup will probably take place next Sunday.

Clarence Macfarlane's latest idea is to convert the La Paloma from a schooner to a shop-rigged yacht.

The Gladys is on the ways being cleaned.

The Kahuna is again laid up for repairs.

The bark Mauna Ala brought a new tender for the yacht Gladys.

The La Paloma's new mast was stepped to Saturday, and the yacht will be in commission in about three weeks.

There will be an important meeting of the Honolulu Athletic Club next Wednesday evening, when a new lot of trustees will be elected.

The Beretania Tennis Club has decided to remove the membership limit, and the admission of new members to the trustees. There are at present several applications for membership on hand. A proposition is on foot to add three more courts, this would give the club six courts.

Dr. Waldo Burgess has been elected member of the Beretania Tennis Club.

The Elks are talking of organizing a baseball club made up exclusively of members of the order. Among the material available are Harry Wilder, W. Wilder, "Sonny" Cunha, Al Moore, F. J. Woodbridge, and others who have performed on the local diamond.

The Association football match next Saturday will be between the Maile Hima and the Hackfeld-Davies team.

E. S. McInerney's mare, Effie Logan, dam by Sir Albert S. 2:08.5, is by Durfee 11:25, dam Ripple by Prompter 2:05, granddam Grace (dam of Dandelion 2:11, Creole 2:15, and Eagle 2:19) by Buccaneer 2:55.

Jim Quinn took Waldo J. and Cyclone out to the track yesterday.

MURDER MAY BE THE CHARGE

(From Monday's daily.)

Up to midnight yesterday, seventy-five arrests had been made since Saturday morning, the majority of them being for gambling.

David Kaapa got to work early on Saturday morning and succeeded in making a big haul of waterfront gamblers who have eluded the police for

months cultivated on other parts of the land, the harvesting of which can be done at a time when no gathering is being done in the coffee fields, and in this way the field hands may have steady employment the year through-out.

The United States of America does not get by far an adequate and fair return for the millions of money finding its way to Brazil and other countries for this product, as the large importing houses in South and Central America, also Java, are of European origin, and establishment, and the imported materials into these countries come chiefly from European centers of trade.

The imports of coffee into the United States will soon reach the enormous amount of one hundred million dollars in value. This is a valuable prize for the American possessions to capture, and we are by right first entitled to its markets as a part of the American commonwealth. A contest for this market should be the cry of the hour. A duty placed upon the product would by no means advance the cost of roasted coffee to the consumer.

While green coffees have declined 50 per cent in value in the last few years, the roasted product has not been reduced for the consumer by jobbers, middlemen, etc.

We have in Hawaii an area of three hundred to four hundred thousand acres of available and suitable coffee land, exclusive of lands which are today growing sugar, and a vast development would follow in Hawaii if protection could be secured, for the financial success of its culture would be certain.

The contention would be advanced that its accomplishment (protective tariff) would be an up-hill fight, but a prize so valuable, and so vital to our future growth and welfare is worth fighting for.

It behooves the commercial interests of these islands to take this matter up, and a sufficient amount of money and send a delegate on this mission to Porto Rico and have them work in conjunction with this Territory in the next coming Congress on this issue. The prize is a valuable one, and let us capture it.

W. L. LOUISON.

A long time past, Twenty-six in all were arrested, mostly natives, including some of the most notorious of Hawaiian gamblers.

About a week yesterday afternoon, Deputy Sheriff Chillingworth rounded up seventeen Chinese gamblers, and a couple of Japanese with che fa tickets in possession.

The most serious case on the calendar is that of Miya, a Japanese, who is being kept by the W. H. Marston, now in port. Yesterday afternoon he and a countryman while under the influence of liquor, quarreled in a house near River and Beretania streets, and fought the matter out with knives. Miya was badly cut about the hands, but he carried up his opponent so badly that he had to be taken to the Japanese Hospital at Palama. At a late hour last night his life was despaired of. The injured man, beside being stabbed in the neck, was badly gashed in the abdomen.

Willie Pal and a Porto Rican boy were arrested on suspicion of having been concerned in the systematic stealing of coal from the O. R. and L. Co's yard.

Other arrests included: Larceny, second degree—Chun Sung, Yamasaki, M. Teveira, J. Santos.

Crucifix to animals—Halola. Three Chinese—Wilder, Steward, J. Simmons, Kaia, A. Smith, J. Hao Jr., J. Smith, Kaanaana, Kalaniwahine, Jack Crane, Wilhelmson, Frank Peterson, T. Holgerson, Gustave Bebelar, Antonio Correa, Joe Fernandez, Katsuyama, J. Gustavson.

Common nuisance—Takanaki, Goto. Heedless driving—Joe Fernandez. Profanity—J. Anderson. Bribery—Goto.

POLICE COURT.

(From Saturday's daily.)

In the police court yesterday Pallo and Koliokabikina were fined \$30 and costs for adultery.

Three Chinese, charged with gambling, were remanded until today.

Olivia Luiz and Louisa Torres, denizens of Geaville, were fined \$25 and costs each by Judge Wilcox. Fornication was the charge. Three more women, also tenants of the buildings owned by the Honolulu Investment Company, were sent to the reef for two months at hard labor on a charge of vagrancy.

One girl had sentence suspended for three months, one was discharged and the case against another was nolle prossed. J. L. Kaulukou appeared for the defendants.

A robbery was attempted early yesterday morning at the home of J. E. Fullerton. The intruders fled when Fullerton turned up the light.

Yesterday's arrests included: Chun Sing, Oda, Yamashiki, investigation; W. Curtis, E. Ormand, drunkenness.

The name of the Japanese who hanged himself at Ewa on Thursday was Hikara. He was a laborer at Waipahu, but on account of sickness had only been able to work two or three days a month. This preyed on his mind. Deceased was about thirty years of age.

The jury returned a verdict of death by suicide, and the body was buried by the plantation people.

AFTER SCHOOL PATRONAGE

The Congressional Record contains the following:

A bill (H. R. 9317) to establish and maintain a system of free schools in the Territory of Hawaii, naming school officers, their duties, salaries and fees; how school fund is to be collected and disbursed—to the Committee on the Territories.

Also, a bill (H. R. 9318) providing for and creating certain counties in the Territory of Hawaii, and providing a form of government for such counties; officers to enforce the law, the pay of such officers, and how the same must be collected—to the Committee on Territories.

Thirty discharged soldiers leave by the Alameda next Wednesday.

AFFAIRS OF MAUI

B. D. Baldwin Invents a Mold-board Plow.

MAUI, Feb. 1.—R. D. Baldwin, assistant manager of Spreckelsville, has recently patented in Washington, a moldboard plow. It is intended to be used as a sort of cultivator for running furrows between the lines of growing cane, especially ratoon. It is a V-shaped wooden machine, with sideboards which incline upward toward the back of the plow. These sideboards are so arranged that they will throw up the dirt and cover with soil the roots of cane growing on both sides of the furrow. It is used to advantage after a light rice plow has run the furrows. The moldboard is a labor-saving device, requiring but half the labor currently required in cultivating. They are now successfully used at H. Makunapoko, Kihel and Spreckelsville.

STRAY NOTES.

There was snow on Haleakala during the early part of the week. The Chinese of Maui will begin to celebrate their new year on the 7th. They are glad that there will be no dispute as to the date, as was the case in 1901.

The new residence of J. N. S. Williams, chief engineer of Puunene Mill, is almost completed. It is situated at Camp 5, near the office buildings.

By the Claudine of this week C. P. Wells of Wailuku and W. H. Cornwell of Waikapu, returned from Honolulu. Inspector of Schools C. W. Baldwin is making Haku a brief visit, while on his way to Hawaii from Honolulu.

Mrs. A. G. Anderson of Salt Lake City is making a short stay in Upper Makawao.

The Makawao Tennis Club organized at Sunnyside, Paia, last Saturday, the 28th, with Mrs. Dora von Tempky as president; Miss Dowdie, vice president; S. R. Dowdie, secretary and treasurer, and Dr. G. S. Aiken, manager. They are to have a grand court soon.

Sunday, the 26th, Rev. Mr. Kimura, a Japanese evangelist, preached at the Foreign Church. He has been preaching recently in Kula, Wailuku and Honolulu, with much success, among his countrymen. He was educated at the Moody Institute, and is now on his way to Japan.

Charles Copp, District Magistrate of Makawao, is quite sick with pleuropneumonia.

S. Hocking, a brother of A. Hocking, of Honolulu, is the new head luna of Hamakua plantation.

By Tuesday's train, A. McLane, recently railroad agent at Paia, departed for Hawaii. Good luck to him.

The Makawao Polo Club is taking a keen interest in the success or failure of the new Honolulu polo quartet known as the "25-Mark." Messrs. Dickey, Fleming and Copp are former members of the Makawao club, and Charles Chillingworth is an old Makawao boy.

During the evening of January 28th the Kamehameha Glee Club gave another successful concert at the native church in Hamakua.

During the afternoon of January 21st the Ladies Reading Club met at the residence of Mrs. W. F. McConkey, of Paia.

Weather—Trades, blowing; some heavy showers during the week.

HIGH MASS FOR THE FRENCH TARS

Military high mass was celebrated yesterday morning at the Catholic cathedral for the officers, sailors and marines of the French warship Protet. Owing to the rain much of the attractiveness of the military display was lost, it having been the original intention to march the marines to church under arms to the accompaniment of bugles and drums. Sailors and marines to the number of 150, in charge of their petty officers, were landed in the Protet's small boats at Brewer's boat landing, where they were met by the Catholic Mission Band, uniformed in white. The officers proceeded in a body to the cathedral. The French jacks were a sturdy detachment and presented a natty appearance in their blue blouses, white trousers, striped blue and white jerseys with blue rolling collar, and white sailor caps surmounted by red plumes.

An inspiring march was played by the Mission band, and the martial procession proceeded to the Catholic cathedral via Queen and Fort streets. On their arrival at the church, the sailors deployed in single file and took to march the chancel, Captain Barnaud, Consul Vizzavona and a special party occupied the consul's pew in the gallery almost directly overlooking the altar. There were no special decorations in honor of the visiting Frenchmen. The Bishop of Honolulu officiated throughout the service, and delivered the sermon from the chancel instead of from the pulpit. The service was impressive and was attended by a large number of people, many of whom gathered to witness the military mass except on the advent of a French warship.

The bishop appeared in the pontifical garb, which consisted of a purple vestment emblazoned with a glistening cross in gold, and miter of purple and gold. The sermon was delivered in French, and lasted for about fifteen minutes, during which the sailors and marines listened attentively. The choir rendered fine music, among the selections being the pontifical mass from Tauman. At the conclusion of the mass the Mission Band rendered "La Marseillaise," following which the Protet's men filed out of the church into the cathedral grounds, where they reformed into sets of fours, and marched back to the boat landing, the Mission Band at their head.

SAN FRANCISCO, Jan. 24.—The bark Albert has again given an exhibition of her speed by winning a four-handed race from Honolulu to San Francisco by a margin unknown until the other vessels put in an appearance.

The Albert arrived yesterday, just thirteen days from Honolulu. She left the island port in company with the barkentine S. G. Wilder, the Archer and the Omega, none of which has as yet been sighted. The Albert is famous for speedy trips, but the voyage just completed is the record for quite a while back.

What the Kidneys Are For.

WHAT DOAN'S BACKACHE KIDNEY PILLS DO.

It's the duty of the kidneys to see that the blood keeps pure.

Not to make new blood—the food we eat does that, but to remove from the blood all the poisons and impurities—the waste matter—that is gathered up during its circuit of the body.

These poisons are deadly.

If they are not taken out of the blood by the natural filters, the kidneys, they are carried back to the heart, and are started out again all through the body.

Of course they cause disease.

We can't be healthy if our blood isn't pure.

When our kidneys are sick our back aches. That's a way they have of telling us they need help.

It's the duty of Doan's Backache Kidney Pills to cure sick kidneys.

They know their duty well.

They are performing it here in Honolulu.

Here's a case in point:

Mr. H. H. Smythe, of Inter-Island S. S. Co., this city, writes to tell us that he was afflicted with a lame back for a number of years. "Ascribing the cause of this to the kidneys and hearing about Doan's Backache Kidney Pills, I got some of them at the Hollister Drug Co's store. They relieved me so much that I am perfectly satisfied with the result of having taken them, and can recommend the pills to others, suffering from backache."

Doan's Backache Kidney Pills are becoming popular in Honolulu because they are always endorsed by Honolulu people.

Our kidneys filter our blood. They work night and day. When healthy they remove about 600 grains of impure matter daily. When unhealthy some part of this impure matter is left in the blood. This brings on many diseases and symptoms—pain in the back, headache, nervousness, hot dry skin, rheumatism, gravel, gout, disordered eyesight and hearing, dizziness, irregular heart, debility, drowsiness, dropsy, deposits in the urine, etc. But if you keep the filters right you will have no trouble with your kidneys.

Doan's Backache Kidney Pills are sold by all druggists and storekeepers at 50 cents per box (six boxes for \$2.50) or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

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